

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

Thursday, August 15, 2013

1:00 PM

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)
Commissioner Lauren Poe (At Large)
Commissioner Thomas Hawkins (At Large)
Commissioner Yvonne Hinson-Rawls (District 1)
Commissioner Todd Chase (District 2)
Commissioner Susan Bottcher (District 3)
Mayor-Commissioner Pro Tem Randy Wells (District 4)

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER

- Present** 6 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells
- Absent** 1 - Commissioner Hinson-Rawls

AGENDA STATEMENT

ROLL CALL

INVOCATION

CONSENT AGENDA

A motion was made by Commissioner Poe, seconded by Commissioner Bottcher, that this Matter be Adopted on the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Absent: 1 - Commissioner Hinson-Rawls

CITY MANAGER, CONSENT AGENDA ITEMS

[130152.](#) **Federal Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) Funding for the Gainesville - Alachua County Drug Task Force (DTF), GPD Special Investigation Division for Verizon Wireless for FY14 (B)**

This is a request for City Commission approval for the appropriation of funds for cellular phones service for the Special Investigations Division.

RECOMMENDATION *The City Commission approve the appropriation of \$4,500 from the Federal Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) to pay for the cellular services and any equipment needed to Verizon Wireless.*

*Alternative Recommendation
The City Commission not approve the appropriation and the cellular phones to be turned off.*

Approved as Recommended

[130153.](#) **State Law Enforcement Contraband Forfeiture Trust Fund Funding for BOLD Program (NB)**

This is a request for City Commission approval for the appropriation of funds for the BOLD Program.

RECOMMENDATION *The City Commission approve the appropriation of \$10,000 from the State Law Enforcement Contraband Forfeiture Trust Fund to pay for the personnel costs.*

Approved as Recommended

[130161.](#)

Bid Award - Bus Stop Improvements (B)

This item is a request for the City Commission to authorize the bid award to Hicks Seal Coating and Striping, LLC, for the Bus Stop Improvements Project for the construction, replacement and installation of sidewalks, pads and signage associated with bus stop improvements per the project plans, in the amount of \$70,760.

RECOMMENDATION *The City Commission: 1) award the bid to Hicks Seal Coating and Striping, LLC, for the Bus Stop Improvements Project; and 2) authorize the City Manager to execute the contract and any necessary documents, subject to approval by the City Attorney as to form and legality; and 3) issue a purchase order in an amount not to exceed \$70,760.*

Approved as Recommended

[130164.](#)

Approval and Authorization to Execute a Lease Agreement (B)

This item is a request to Approve and Authorize the Execution of a Lease Agreement with JVC Media of Florida, LLC.

RECOMMENDATION *The City Commission: 1) approve the Lease Agreement with JVC Media of Florida, LLC for the space available at 60 Southwest 2nd Street, and 2) authorize the City Manager to execute the Lease Agreement with JVC Media of Florida, LLC, subject to approval by the City Attorney as to form and legality.*

Approved as Recommended

[130165.](#)

Urban Village Special Lighting Design Area (B)

This is a request for the City Commission to authorize the City Manager to establish a special lighting design area for the Urban Village.

RECOMMENDATION *The City Commission: 1) authorize the City Manager to establish a Special Lighting Design Area for the Urban Village; and 2) authorize the City Manager to initiate the process to establish a special assessment to fund the annual operating expenses and future capital replacement costs for lighting in the Urban Village.*

Alternate Recommendation: The City Commission not approve the creation of a Special Lighting Design Area.

Approved as Recommended

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

[130187.](#) **Amendment to Azteca Software License (NB)**

Staff recommends amending the software license, maintenance and service agreement with Azteca Systems, Inc. for Cityworks. The software promotes effective and efficient use of Geographical Information Systems (GIS) data across all service delivery operating areas within GRU and will provide similar benefits to General Government.

RECOMMENDATION *The City Commission: 1) authorize the General Manager, or his designee, to amend the existing software license agreement with Azteca Systems, Inc. to upgrade the existing software license to "site license premium" subject to approval of the City Attorney as to form and legality; and 2) issue a purchase order to Azteca Systems, Inc. in the amount of \$209,000 for the upgraded software license and \$76,000 for annual updates and support.*

Approved as Recommended

CITY ATTORNEY, CONSENT AGENDA ITEMS

[130171.](#) **AMENDMENTS TO THE CITY'S ELECTION CODE (NB)**

Approved as recommended

RECOMMENDATION *The City Commission authorize the City Attorney to draft and the Clerk to advertise an ordinance changing sections of the City's Election Code relating to campaign finance reports.*

Approved as recommended

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[130189.](#) **City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of June 20, July 16, 18, 22, 23, 25 and 29.*

Approved as Recommended

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

GREC Settlement was added to the agenda. Nathan Skop spoke to the matter.

A motion was made by Commissioner Poe, seconded by Commissioner Bottcher, that this Matter be Adopted. The motion carried by the following vote:

Aye: 6 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Absent: 1 - Commissioner Hinson-Rawls

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

120804. Gainesville Fire Rescue Station 1 Replacement Project (B)

This item involves a request that the City Commission authorize the City Manager to execute purchase agreements for two parcels of land and a lease agreement for one of the parcels to allow for construction of the Gainesville Fire Rescue Station 1 Replacement Project.

Chief Prince made a presentation. Donald Shepherd, Ernesto Martinez, Stephen Boyes, Nathan Skop, Joe Courter, Chris Fillie and Mike Myers spoke to the matter.

RECOMMENDATION *The City Commission: 1) authorize the City Manager to*

execute the purchase agreements with David Mathia and Peter Theoktisto for the purchase of tax parcels 13038-000-000 and 13040-000-000 and all associated closing costs, subject to approval by the City Attorney as to form and legality; 2) authorize the City Manager to execute a lease agreement with Chris Fillie, subject to approval by the City Attorney as to form and legality; and 3) authorize the use of an additional \$200,000 in funding from the City's Capital Budget for costs associated with acquisition of the properties and to initiate design of the new fire station.

A motion was made by Commissioner Bottcher, seconded by Commissioner Chase, that this Matter be Approved as Recommended. The motion carried by the following vote:

Aye: 5 - Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Nay: 1 - Mayor Braddy

Absent: 1 - Commissioner Hinson-Rawls

GENERAL MANAGER FOR UTILITIES

130190.

Minimum Flows and Levels and Consumptive Use Permitting (B)

Staff recommends City Commission receive a presentation from the Executive Director of the Suwannee River Water Management District (SRWMD) on the Minimum Flows and Levels (MFLs) for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs. In addition, GRU staff will provide a brief update on the status of the Consumptive Use Permitting (CUP) renewal.

Carlos Herd and Tony Cunningham made presentations. Jim Konish, Nathan Skop, Ernesto Martinez and Donald Shepherd spoke to the matter.

RECOMMENDATION

The City Commission: Receive two presentations regarding the Minimum Flows and Levels and GRUs' Consumptive Use Permit.

Heard

130234.

GREC Settlement Agreement (B)

Discuss the Settlement Agreement terms between The City of Gainesville, Florida, d/b/a Gainesville Regional Utilities and Gainesville Renewable Energy Center, LLC (GREC).

Motion: Schedule special meeting at 5:00PM on Monday August 19th to discuss GREC arbitration. Nathan Skop, Ray Washington, Jim Konish, Jo Beaty, Ernesto Martinez, Wilbur Holloway, Mac McEachern and Donald Shepherd spoke to the matter.

RECOMMENDATION

The City Commission: 1) hear a presentation and discuss the Settlement terms and; 2) provide further direction to staff relative to an agreement.

A motion was made by Commissioner Hawkins, seconded by Commissioner Bottcher, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 5 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Absent: 2 - Commissioner Chase, and Commissioner Hinson-Rawls

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

GAINESVILLE/ALACHUA COUNTY CULTURAL AFFAIRS BOARD

[130056.](#)

Gainesville-Alachua County Cultural Affairs Board Work Plan and Annual Report update for FY 2013-14 (B)

This item requests that the City Commission hear a presentation of the Gainesville-Alachua County Cultural Affairs Board regarding their Annual Report and Work Plan update for 2013-2014.

RECOMMENDATION

The City Commission hear a brief presentation by Gainesville-Alachua County Cultural Affairs Board Chair Carol Velasques Richardson, regarding the FY 13/14 Annual Report and Work Plan update.

Postponed

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS-5:26PM

RECONVENE-6:07PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

[130186.](#) **National Honeybee Awareness Day - August 17, 2013 (B)**

RECOMMENDATION *American Honey Princess Emily Campbell to accept the proclamation.*

Heard

CITIZEN COMMENT (6:00pm)

*Nathan Skop
Scott Winzler
Patricia Ingle
Debbie Martinez
John Davies
Ray Washington
Jim Konish
Gabe Hillel
Mac McEachern
Donald Shepherd
Ernesto Martinez
Wilbur Holloway
Pat Fitzpatrick-#130343*

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

[130159.](#) **Qualified Target Industry (QTI) Refund Resolution -
ONESIXTYOVERNINETY, INC. (B)**

This item seeks City Commission approval for a QTI contribution for the prospective location of a regional headquarters within the City of Gainesville for ONESIXTYOVERNINETY, INC, a branding and public relations agency.

Donald Shepherd spoke to the matter.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; 2) authorize the Mayor to execute and the Clerk to attest to the QTI Resolution regarding ONESIXTYOVERNINETY, INC.; and 3) direct the City Manager to forward the executed QTI Resolution to Enterprise Florida.

Alternative Recommendation

The City Commission deny the Qualified Target Industry Refund Resolution.

A motion was made by Commissioner Chase, seconded by Commissioner Hawkins, that this Matter be Adopted (Resolution) and Approved the Recommendation. The motion carried by the following vote:

Aye: 6 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Absent: 1 - Commissioner Hinson-Rawls

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[110658.](#)

TEXT CHANGE - BOARD ATTENDANCE REQUIREMENTS (B)

Ordinance No. 110658

An ordinance amending the Code of Ordinances of the City of Gainesville, Florida, relating to attendance requirements for members of quasi-judicial, administrative, and advisory boards; by amending Section 2-247. - *Removal from office*; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

A motion was made by Mayor-Commissioner Pro Tem Wells, seconded by Commissioner Bottcher, that this Matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

Aye: 6 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Absent: 1 - Commissioner Hinson-Rawls

[120139.](#)

TEXT AMENDMENT - SPECIAL EVENT PARKING (B)

Ordinance No. 120139, Petition No. PB-11-92TCH

An ordinance of the City of Gainesville, Florida, amending the City Code of

Ordinances and the Land Development Code related to special event parking; by amending Section 30-23(c) to create a definition for the University of Florida context area; by amending Section 30-56(c) to allow special event temporary off-street parking in the University of Florida context area; by amending Appendix A - Schedule of Fees, Rates and Charges of the Code of Ordinances to add a permit fee for special event parking; amending Section 2-339 by adding violation of special event parking permit requirements to the list of ordinances enforceable as a civil citation; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Nathan Skop, Jo Beaty, Donald Shepherd and Wilbur Holloway spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Hawkins, seconded by Mayor-Commissioner Pro Tem Wells, that this Matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

Aye: 4 - Commissioner Bottcher, Commissioner Poe, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Nay: 2 - Mayor Braddy, and Commissioner Chase

Absent: 1 - Commissioner Hinson-Rawls

[130119.](#)

VOLUNTARY ANNEXATION - URBAN SERVICES REPORT OF CITY-OWNED PARCEL LOCATED NORTH OF MORNINGSIDE NATURE CENTER AND EAST OF NORTHEAST WALDO ROAD (B)

Ordinance No. 130119

An ordinance of the City of Gainesville, Florida, adopting an Urban Services Report that sets forth plans to provide urban services upon the voluntary annexation of City-owned Tax Parcel No. 10860-000-000, which is generally located south of NE 39th Avenue, west of Morningside Nature Center, north of E University Avenue, and east of NE Waldo Road, as petitioned for by the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Nathan Skop and Jo Beaty spoke to the matter. Comm Poe left the meeting at 8:32PM.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Hawkins, seconded by Mayor-Commissioner Pro Tem Wells, that this Matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

Aye: 4 - Mayor Braddy, Commissioner Bottcher, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Absent: 3 - Commissioner Poe, Commissioner Chase, and Commissioner Hinson-Rawls

[130120.](#)

VOLUNTARY ANNEXATION - URBAN SERVICES REPORT OF CITY-OWNED PARCEL SOUTH OF FRED CONE PARK (B)

Ordinance No. 130120

An ordinance of the City of Gainesville, Florida, adopting an Urban Services Report that sets forth plans to provide urban services upon the voluntary annexation of City-owned Tax Parcel No. 16146-000-000, which is generally located south of E University Avenue and Fred Cone Park, west of Tax Parcel No. 16143-000-000, north of SE Hawthorne Road, and east of SE 24th Street and the Alachua County Sheriff's office, as petitioned for by the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

A motion was made by Commissioner Hawkins, seconded by Mayor-Commissioner Pro Tem Wells, that this Matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

Aye: 4 - Mayor Braddy, Commissioner Bottcher, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Absent: 3 - Commissioner Poe, Commissioner Chase, and Commissioner Hinson-Rawls

[130121.](#)

VOLUNTARY ANNEXATION - URBAN SERVICES REPORT OF CITY OWNED PARCELS NORTHEAST OF GRU DEERHAVEN GENERATING STATION (B)

Ordinance No. 130121

An ordinance of the City of Gainesville, Florida, adopting an Urban Services Report that sets forth plans to provide urban services upon the voluntary annexation of City-owned Tax Parcel Nos. 05871-002-000 and 05871-003-000, which are generally located south of NW 142nd Avenue and northeast of the Gainesville Regional Utilities Deerhaven Generating Station along State Road 121, as petitioned for by the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate

effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Bottcher, that this Matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

Aye: 4 - Mayor Braddy, Commissioner Bottcher, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Absent: 3 - Commissioner Poe, Commissioner Chase, and Commissioner Hinson-Rawls

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

120370.

EVALUATION AND APPRAISAL COMPREHENSIVE PLAN AMENDMENTS (B)

Ordinance No. 120370

An ordinance of the City of Gainesville, Florida, amending the City's Comprehensive Plan pursuant to the periodic evaluation and appraisal process set forth in Section 163.3191, Florida Statutes, to comply with changes to Florida Statutes, address changes in local conditions, correct internal inconsistencies, and provide clarification to objectives and policies; by amending the Future Land Use Element and the Future Land Use Map Series; by amending the Transportation Mobility Element and the Transportation Mobility Map Series; by deleting the Concurrency Management Element; by amending the Housing Element; by amending the Conservation, Open Space & Groundwater Recharge Element; by amending the Capital Improvements Element; by amending the Intergovernmental Coordination Element; by amending the Public Schools Facilities Element; by providing directions to the City Manager; providing a repealing clause; providing a severability clause; and providing an effective date.

RECOMMENDATION *The City Commission (1) receive letters of "no comment" from North Central Florida Regional Planning Council, St. Johns River Water Management District, and Florida Department of Environmental Protection; (2) receive "comment" letters from Florida Department of Economic Opportunity, Florida Department of Transportation and Florida Department of Education; (3) receive letter from City to Florida Department of Economic Opportunity in response to comments received; and, (4) adopt the proposed ordinance.*

A motion was made by Commissioner Bottcher, seconded by Mayor-Commissioner Pro Tem Wells, that this Matter be Adopted on Final Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:

Aye: 4 - Commissioner Bottcher, Commissioner Chase, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Nay: 1 - Mayor Braddy

Absent: 2 - Commissioner Poe, and Commissioner Hinson-Rawls

PLAN BOARD PETITIONS

[130157.](#) **Sign Code Update (B)**

Petition PB-13-57 TCH. City Plan Board. Amend the Land Development Code Article IX, Division I to update, clarify and re-organize the Sign regulations, related to petition PB-10-93TCH.

Jo Beaty and Donald Shepherd spoke to the matter.

RECOMMENDATION *City Plan Board to the City Commission - Approve the petition as modified.
Staff to the City Plan Board - Approve the petition.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Bottcher, that this Matter be Approved (Petition). The motion carried by the following vote:

Aye: 5 - Mayor Braddy, Commissioner Bottcher, Commissioner Chase, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Absent: 2 - Commissioner Poe, and Commissioner Hinson-Rawls

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

*Comm TC moved with Comm RW to waive rules and continue meeting until 11:15PM. Motion carries 4-1 with Comm TH voting no.
Comm TD moved with Comm RW to waive rules and continue meeting until 11:30PM. Motion fails 3-2 with Comm TH and Comm SB voting no.
Comm TC moves with Comm RW to waive rules and continue meeting until 11:20PM. Motion carries 4-1 with Comm TH voting no.*

Comm Chase moved with Comm Wells seconding to expedite the early voting item in Committee. Motion carries 5-0.

CITIZEN COMMENT (If time available)

ADJOURNMENT-11:20PM

Kurt Lannon, Clerk of the Commission